

REMARKS

In the July 15, 2005 Office Action, the Examiner noted that claims 1-8 are pending in the application and rejected all of the claims under 35 USC § 103(a). In rejecting the claims, U.S. Patents 6,260,024 to Shkedy; 5,477,040 to Lalonde; and 5,208,446 to Martinez ; and an online article by Lamond were cited. Claims 9 and 10 have been added and thus, claims 1-10 remain in the case. The rejections are respectfully traversed below.

REJECTIONS UNDER 35 USC § 103

In item 2 on pages 2-5 of the July 15, 2005 Office Action, claims 1, 2, 5, 7 and 8 were rejected under 35 USC § 103(a) as unpatentable over Shkedy in view of Lalonde.

As described in the specification at least at page 8, lines 10, 11 and 20-26; page 9, lines 10-20; page 11, lines 20-27; page 12, lines 12-21; page 15, lines 1-6; page 18, lines 5-17; page 20, lines 8-22; page 31, lines 8-16; and page 32, lines 7-18, with reference to Fig. 3, the present invention includes

charging by the intermediary agent for the transaction without revealing the credit card information to the seller via the credit card account of the buyer, only if said payment confirming means finds that the requested money transfer to the seller's bank account by the other means than the registered credit card account has not been made by the deadline

(claim 1, lines 14-18). In contrast, what is cited in Shkedy is a controller that "transmits the buyer's credit card information to the seller for processing ... [and] payment may be transferred from buyer to intermediary, to seller" (Shkedy, column 19, lines 29-35). In other words, what was cited in Shkedy teaches away from the above-quoted limitations of claim 1, because the claimed invention never reveals the buyer's credit card information to the seller, while Shkedy explicitly discloses transmitting the buyer's credit card information to the seller. Thus, nothing has been cited or found in Shkedy that teaches or suggests all the limitations recited in claim 1.

Furthermore, in Lalonde "[t]he selected charge card issuer 17 checks the card holder's account, authorizes credit if justified, and passes identification and charge transaction data and credit authorization back to the charge card accepting merchant 41 through the charge card selector 43" (column 6, lines 60-64). In other words, Lalonde contains no suggestion of conducting "the transaction without revealing the credit card information to the seller" as recited in claims 1, 7 and 8. All that Lalonde teaches is that a single "charge card selector card" can be used to access multiple credit card accounts. The seller or "credit card accepting merchant" still receives the information about the actual credit card account being charged.

As discussed above, nothing has been cited or found in Shkedy and Lalonde considered together or taken individually that teaches or suggests all of the limitations recited in claim 1; and both Shkedy and Lalonde explicitly teach away from the claimed invention. Furthermore, the Office Action failed to provide any motivation to combine Shkedy and Lalonde to show all of the recited limitations of claim 1. Thus, claim 1 is allowable for at least these reasons.

Independent claims 7 and 8 each recite limitations in a manner similar to claim 1; and dependent claims 2 and 5 depend from claim 1. Thus, claims 2, 5, 7 and 8 patentably distinguish over the applied art of record for at least the reasons discussed in regard to claim 1.

In item 3 of the Office Action, claims 4 and 6 were rejected under 35 USC § 103(a) as unpatentable over Shkedy in view of Lalonde and further in view of Martinez and in item 4 of the Office Action, claim 3 was rejected under 35 USC § 103(a) as unpatentable over Shkedy in view of Lalonde and further in view of Lamond. Nothing was cited or has been found in Martinez or Lamond suggesting modification of Shkedy and Lalonde to process a credit card transaction "without revealing the credit card information to the seller" as recited in claim 1. Since claims 3, 4 and 6 depend from claim 1, it is submitted that claims 3, 4 and 6 patentably distinguish over Shkedy, Lalonde, Martinez and Lamond for the reasons discussed above with respect to claim 1.

NEW CLAIMS

Newly added claims 9 and 10 recite the present invention using limitations that distinguish over the applied art for reasons similar to those discussed above. Nothing has been cited or found in the applied art that shows "the account information of the buyer is inaccessible by the seller" (claim 9, line 5) or anything that "automatically charge[s] the credit card account of the buyer and credit[s] the bank account of the seller for the transaction without revealing the account information of the buyer to the seller, when payment in full is not received in the bank account of the seller by the deadline" (claim 9, last 4 lines). In addition, nothing has been cited or found in the applied art that shows "said intermediary payment system is used by an intermediary to mortgage the credit card account of the buyer" as recited in claim 10 and described in the specification at page 9, lines 20-27. Therefore, it is submitted that claim 9 and claim 10, which depends from claim 9, patentably distinguish over the applied art.

CONCLUSION

It is submitted that the references cited in the July 15, 2005 Office Action, taken individually or in combination, do not teach or suggest the features of the present claimed

invention and for all of the reasons presented above, a case of *prim facie* obviousness has not been established in the Office Action.

There being no further outstanding objections or rejections, it is submitted that claims 1-10 are in condition suitable for allowance. An early action to that effect is courteously solicited.

If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Finally, if there are any additional fees associated with this Amendment, please charge same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 12/15/05

By: Richard A. Gollhofer
Richard A Gollhofer
Registration No. 31,106

1201 New York Avenue, NW, Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501

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on 12/15, 2005
By Richard A. Gollhofer
Date 12/15/05